

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DEBORAH ELLIS, individually and on behalf
of similarly situated persons;

Plaintiff,

vs.

WERNER ENTERPRISES, INC.,

Defendant.

8:18CV238

ORDER

This matter comes before the Court on the parties' Joint Motion for Preliminary Approval of a Class Action Settlement. Filing No. 226. This is a certified FLSA collective action and putative Rule 23 class action. The parties' proposed settlement resolves the federal and state claims of Named Plaintiff Deborah Ellis and the Opt-In Plaintiffs, except for Christopher Midgett's individual claims, for a total payment of \$750,000.00. Upon consideration of the Brief and Index in Support of Preliminary Approval submitted by the parties, the Court, being fully advised in the premises, finds that a settlement on the terms set forth in the proposed Settlement Agreement, Filing No. 228-2, is a fair and reasonable resolution of the parties' bona fide dispute. Accordingly, it is hereby ordered, adjudged, and decreed as follows:

The parties' Joint Motion for Preliminary Approval of Class Action Settlement, Filing No. 226, is granted.

The Court finds that the Settlement Agreement is the result of arms' length negotiations between experienced attorneys who are familiar with class action litigation in general and with the legal and factual issues of this case in particular. The Court further finds that the Settlement Agreement provides adequate relief to the Class Members considering the costs, risks, and delay associated with trial and appeal, as well as the

effectiveness of the proposed distribution of settlement payments to Class Members. The Court further finds that preliminary approval of the Settlement is supported by the terms of the proposed award of Attorneys' Fees and costs and proposed service awards.

The Settlement Agreement treats Class Members as fairly as possible relative to each other because settlement payments are based on an equitable formula taking into account the amount of time worked, the individual weekly amounts of expenses incurred and payments made to the Class Members, and the claims asserted in the litigation.

The Court finds that the proposed method for distributing the Notice of Settlement (i) meets the requirements of federal law and due process; (ii) is the best notice practicable under the circumstances; and (iii) shall constitute due and sufficient notice to all individuals entitled thereto.

Within 14 days after the date of this Order, Named Plaintiff Deborah Ellis shall send a Notice of Settlement to the Opt-In Plaintiffs substantially in the form of Filing No. 228-3.

The Opt-in Plaintiffs shall have 45 days after the date on which the Notice of Settlement is mailed (i.e., 45 days after the "Mailing Date") within which to exclude themselves from the Settlement or serve written objections thereto.

A Final Fairness Hearing is set for May 25, 2023, at 2:30 p.m., in Courtroom 3 at the Roman L. Hruska Courthouse in Omaha, Nebraska, 111 S. 18th Street, Omaha, Nebraska 68102.

IT IS SO ORDERED.

Dated this 14th day of February, 2023.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge